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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|--------------------|
| 10/043,369 | 01/09/2002 | John E. Fetkovich | END920010044US1 | 6345 |
| 30743 | 7590 | 06/21/2005 | EXAMINER | |
| WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190 | | | | MOORTHY, ARAVIND K |
| ART UNIT | | PAPER NUMBER | | |
| 2131 | | | | |

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/043,369 | FETKOVICH, JOHN E. | |
| | Examiner | Art Unit | |
| | Aravind K. Moorthy | 2131 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 June 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3-21,23 and 24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1 and 3-21 is/are allowed.

6) Claim(s) 23 is/are rejected.

7) Claim(s) 24 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 09 January 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

1. This is in response to the amendment filed on 6 June 2005.
2. Claims 1, 3-21, 23 and 24 are pending in the application.
3. Claim 23 has been rejected.
4. Claims 1 and 3-21 have been allowed.
5. Claim 24 is objected to as being dependent upon a rejected base claim.
6. Claims 2 and 22 have been cancelled.

Response to Amendment

7. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

8. Applicant's arguments with respect to claim 23 has been considered but are moot in view of the new ground(s) of rejection.
9. Applicant's arguments, see pages 8-11, filed 6 June 2005, with respect to claims 1, 3-20 and 16 have been fully considered and are persuasive. The rejection of the claims has been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claim 23 is rejected under 35 U.S.C. 102(e) as being anticipated by Hori et al U.S. Patent No. 6,898, B1.

As to claim 23, Hori et al discloses a method for controlling access of digital information, comprising:

storing digital information in an encrypted form on a host system [column 6, lines 10-13];

storing an application program for reproducing the digital information on the host system [column 11, lines 8-25];

storing a first decryption key on the host system [column 11, lines 8-25]; and activating the application program to reproduce the digital information on the host system, the application program reproducing the digital information based on the first decryption key, the first decryption key controlling the application program to reproduce only a portion of the digital information [column 11, lines 8-25].

Allowable Subject Matter

11. Claims 1 and 3-21 are allowed.

As to claims 1 and 3-8, prior art does not teach or fairly disclose comparing the first type of decryption key to the data stored on the host system to identify the first type of reproduction quality degradation. Prior art does not teach or fairly disclose that the reproducing step includes degrading the reproduction quality of the digital information in accordance with the first type of reproduction quality degradation identified in the comparing step.

As to claims 9-20, prior art does not teach or fairly disclose the first decryption key instructing an application program on the host system to degrade the reproduction quality of the digital information based on at least one of a time condition and a use condition.

As to claim 21, prior art does not teach or fairly disclose reproducing the digital information a second time, using a second decryption key, with a second quality of reproduction, the second quality of reproduction being degraded relative to the first quality of reproduction.

12. Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 24, prior art does not teach or fairly disclose a second decryption key on the host system. Prior art does not teach or fairly disclose that the application program reproduces the digital information a second time based on the second decryption key. Prior art does not teach or fairly disclose that the second decryption key controls the application program to reproduce all of the digital information.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy *AM*
June 15, 2005


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100